

ALLEN & OVERY

By ECF

Honorable Stuart M. Bernstein
United States Bankruptcy Court for the
Southern District of New York
One Bowling Green
New York, NY 10004

Allen & Overy LLP
1221 Avenue of the Americas
New York NY 10020

Tel 212 610 6300
Fax 212 610 6399

February 15, 2018

Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, Adv. Pro. No. 08-1789 (SMB); Irving H. Picard v. ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland, N.V.), Adv. Pro. No. 10-05354 (SMB)

Dear Judge Bernstein:

I am counsel for defendant the ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland N.V.) ("RBS/ABN") in the above referenced matter. As requested by the Court during oral argument on February 8, 2018, I write to provide the Court with a chart comparing the Trustee's proposed document requests at issue in this motion,¹ with:

- Documents requests the Trustee previously included in the Rule 2004 Subpoena dated March 10, 2009, served on "Royal Bank of Scotland [Plc]," an affiliate of the RBS/ABN Transferee Defendant, (the "RBS Rule 2004 Subpoena")²; and
- Documents requests the Trustee previously included in the Rule 2004 Subpoena dated March 13, 2009, served on "ABN Amro – Netherlands" and "ABN Amro" in reference to ABN AMRO Bank N.V. (the "ABN AMRO Rule 2004 Subpoenas").³

¹ Those document requests are attached as Exhibit D to the August 28, 2014 Declaration of Regina Griffin, No. 10-05354 (SMB), ECF No. 71 (the "Trustee's Proposed Document Requests").

² The RBS Rule 2004 Subpoena is attached as Exhibit A to the Declaration of Michael Feldberg in Support of ABN AMRO Bank N.V.'s (presently known as the Royal Bank of Scotland N.V.) Supplemental Memorandum of Law in Opposition to the Trustee's Motion for Pre-Motion-to-Dismiss Discovery (the "Feldberg Decl."), Adv. Pro. No. 10-05354 (SMB), ECF No. 136.

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The chart is attached hereto as Exhibit A, and includes columns comparing the Trustee's Proposed Document Requests with the requests in the RBS Rule 2004 Subpoena and the ABN AMRO Rule 2004 Subpoenas.

I will, of course, provide any other information the Court otherwise requests.

Respectfully submitted,

/s/ Michael S. Feldberg
Michael S. Feldberg

Attachment

cc: Counsel of Record

³ The ABN Amro Rule 2004 Subpoenas are attached as Exhibits B and C to the Feldberg Decl., Adv. Pro. No. 10-05354 (SMB), ECF No. 136.